

CALIFORNIA STATE PERSONNEL BOARD MEETING  
Marina del Rey Hotel  
13534 Bali Way  
Marina del Rey, California 90292  
(310) 301-1000 FAX (310) 305-8513

[www.spb.ca.gov](http://www.spb.ca.gov)

Public Session Location - Chart Room  
Closed Session Location - Chart Room

FULL BOARD MEETING MINUTES

JUNE 5, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President  
William Elkins, Vice President  
Florence Bos, Member  
Richard Carpenter, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. Representatives of the State Personnel Board will meet with staff of the Department of Personnel Administration to discuss issues concerning the disciplinary process.

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- B. The Los Angeles job fair will have over 60 state departments participating in a fair sponsored jointly by the State Personnel Board and Senator Murray.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation:

- A. California Youth Authority (CYA) v. State Personnel Board/King - CYA has appealed those portions of the trial court judgment that were unfavorable to it.
- B. Pollack v. State Personnel Board - In a published decision, the Court of Appeal upheld trial court's decision denying Pollack's request for reconsideration of issues already decided by it.
- C. International Union of Operating Engineers (IUOE) v. Office of the State Controller - IUOE dismissed its suit against the Controller, without prejudice, after it obtained a court order confirming the only Board of Adjustment decision still an issue in the case. The Office of the State Controller, however, was not, according to information received by the Chief Counsel's Office, properly served in the lawsuit filed to confirm the Board of Adjustment award.
- D. International Union of Operating Engineers (IUOE) v. State Personnel Board (SPB) - SPB will file its position statement with the Public Employment Relations Board on June 6, 2001.
- E. Jacobs v. State Personnel Board/Department of Justice - The Superior Court denied appellant's petition for writ of mandate and affirmed the Board's decision in this case upholding the minimum qualification for the Deputy Attorney

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General III classification that provides that legal experience refers to experience gained after admittance to the State Bar.

- F. Robert Williams EEOC Complaint - State Personnel Board will be dismissed from the case pursuant to an EEOC mediation.
- G. California Youth Authority v. State Personnel Board/Jackson - The Superior Court denied department's petition for writ and upheld the Board's decision in this case modifying a dismissal to a 60 days suspension, finding that, "Respondent wrote a very careful decision. There is substantial evidence to support Respondent's findings of credibility and fact."
- H. Schommer v. State Personnel Board - Superior Court denied appellant's petition for writ and upheld the Board's decision in this case sustaining a rejection during probation of a nurse who had repeatedly failed to properly account for, handle and dispense dangerous medications. The court rejected the employee's reasonable accommodation claim, noting that she had requested reasonable accommodation without provided medical substantiation.
- I. State Compensation Insurance Fund (SCIF) v. State Personnel Board - SCIF has filed a petition for writ of mandate challenging the Board's decision disapproving a contract between SCIF and a private insurance carrier under which the insurance carrier was to defend against a disability discrimination lawsuit filed by a SCIF employee.

Other:

- A. The Office of the Attorney General has issued a formal opinion finding that state attorneys are not protected under California's Whistleblower

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Protection Act if they divulge privileged client communications in the course of their whistleblowing activities.

4. REPORT ON LEGISLATION - Judy Balmain

The State Personnel Board voted on the following:

- A. SB 1045 (Polanco) - This bill will increase diversity in the public sector employment through all-inclusive outreach efforts that are consistent with the state's equal employment opportunity policy.

VOTE: Elkins, Bos, Carpenter - Aye. Alvarado - No.

The Board was advised of the following:

- A. SB 1006 (Soto) Board Sponsored - Would have allowed State Personnel Board to authorize state agencies with serious recruitment to reimburse new and incumbent state employees for educational expenses in exchange for those employees serving a minimum period of employment. Held in Senate Appropriation Committee.
- B. AB 619 (Wayne) Oppose - Requires that any person appointed to a scientist class in state service must possess a four-year degree in a scientific discipline from an accredited University. Walter Vaughn, Laura Aguilera, Judy Balmain and staff met with representatives of the California Association of Professional Scientists. We were unable to resolve our issues with the measure, but will continue to work with the author and sponsor of the bill.
- C. SB 987 (Escutia) Support if Amended - The bill amends the Dymally-Alatorre Bilingual Services Act to clarify responsibilities and strengthen the enforcement language in the Act ensuring that state departments are aware of their

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responsibilities under the Act. Staff continues to work with the author and sponsors in an effort to resolve our issues.

5. ORAL ARGUMENT

Oral argument in the matter of RAYMOND TAYLOR, CASE NO. 97-3065. Appeal from medical termination/denial of reasonable accommodation. State Compensation Insurance Board.

ACTION: Withdrawn

6. ORAL ARGUMENT

Oral argument in the matter of LIEM C. VU, CASE NO. 00-1743. Appeal from dismissal. Department of Veterans Affairs.

Persons Participating:

Valla S. Hoffman, Staff Counsel, representing  
Department of Veterans Affairs  
Gary M. Paul, Attorney at Law, representing appellant  
Catherine A. Keig, Director, Office of the President  
Pro Tempore, California Legislature, Senator John L.  
Burton

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of DUANE SCHNEIDER, CASE NO. 00-3561. Appeal from five working days suspension. Department of Motor Vehicles.

Persons Participating:

Ron Wisniewski, Deputy Attorney, representing  
Department of Motor Vehicles  
Linda Kelly, Legal Counsel, California Union of Safety  
Employees, representing appellant

ACTION: Submitted

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8. ORAL ARGUMENT

Oral argument in the matter of MICHAEL STATON, CASE NO. 99-3155. Appeal from discrimination complaint. Department of Justice.

Persons Participating:

Ashante Norton, Deputy Attorney, representing  
Department of Justice  
Michael Hersh, Esq., California State Employees  
Association, representing appellant

ACTION: Submitted

9. ORAL ARGUMENT

Oral argument in the matter of ESTHER TRULY, CASE NO. 00-3284. Appeal from 5% reduction in salary for six months. Department of Corrections.

ACTION: Withdrawn

10. STATE PERSONNEL BOARD SUMMARY MINUTES OF MAY 22, 2001

ACTION: Adopted on June 5, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

11. ACTION ON SUBMITTED ITEMS

ACTION: See pages 19-20.

12. ADMINISTRATIVE LAW JUDGE CASES

On June 5, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

Alvarado dissented on Proposed Decision for Reginald C. Smith, Case No. 00-3726.

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REJECTED AND REMANDED DECISION

RUSSELL MARZETTE, CASE NO. 00-4037  
Appeal from ten-working days suspension  
Administrative Support Coordinator  
California State University, Fresno  
ACTION: Ten working days suspension sustained

CHIEF COUNSEL RESOLUTION

JOHN WALTER, CASE NO. 99-2775  
Appeal from dismissal  
Equipment Maintenance Supervisor  
Department of Corrections  
ACTION: Right to file petition for writ of mandate in  
court denied

PROPOSED DECISIONS

CAMERON DOWNEY, CASE NO. 00-1984  
Appeal from 10 working days suspension  
Energy and Mineral Resources Engineer  
Department of Conservation  
ACTION: 10 working days suspension sustained

RAYMOND D. SLEDGE, CASE NO. 00-3164  
Appeal from dismissal  
Youth Correctional Counselor  
Fred C. Nelles Youth Correctional Facility  
Department of Youth Correctional Facility  
ACTION: Dismissal revoked

ANNA VARELA, CASE NO. 00-3543  
Appeals from five percent reduction  
in salary for six months  
Registered Nurse  
Department of Developmental Services  
ACTION: Five percent reduction in salary for six  
months sustained

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REGINALD C. SMITH, CASE NO. 00-3726

Appeals from Dismissal

Correctional Officer

Donavan Correctional Facility

Department of Corrections

ACTION: Dismissal modified to a one-year suspension

JACQUELINE SILVA-CHAMBERS, CASE NO. 00-3905

Appeal from official/formal reprimand

Treatment Team Supervisor

Department of the Youth Authority

ACTION: Official/formal reprimand sustained

SHELT HUTCHINGS, CASE NO. 01-0406

Appeal from official/formal reprimand

Plumber II

Department of Corrections

ACTION: Official/formal reprimand sustained

SHANNON L. PINKHAM, CASE NO. 00-3960

Appeal from dismissal

Correctional Officer

Chino, California Institution for Men

Department of Corrections

ACTION: Dismissal sustained

RONALD GONZALES, CASE NO. 01-0220

Appeal from 15 working days suspension

Officer

Department of California Highway Patrol

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

ERIC VANDERLEEST, CASE NO. 00-3167

Appeal from 90 days suspension

Conservationist I

California Conservation Corps

ACTION: Ninety days suspension sustained



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STEPHEN J. SURTSHIN, CASE NO'S. 00-1724 and 00-3176  
Appeal from two-step reduction in salary for six months  
Appeal from dismissal  
Staff psychiatrist  
Department of Mental Health  
ACTION: Two-step reduction in salary for six months sustained and dismissal modified to a nine-month suspension

SANDRA JOHNSON, CASE NO. 99-1256B  
Appeal for determination of back salary and benefits  
Associate Warden  
Wasco, State Prison  
Department of Corrections  
ACTION: Appellant entitled to immediate payment of back salary and benefits

JOHN E. POPE, CASE NO. 01-0377  
Appeal from five-percent reduction in salary for three pay periods  
Sergeant  
Department of the Youth Authority  
ACTION: Five percent reduction in salary for three pay periods revoked

RENAE L. BROWN, CASE NO. 00-4129  
Appeal from rejection during probationary period  
Dispatcher-Clerk  
Department of Transportation  
ACTION: Appeal dismissed as untimely

VALENTIN SUNICO, CASE NO. 01-1017  
Appeal from ten-percent reduction in salary for three months  
Medical Technical Assistant  
Department of Corrections  
ACTION: Appeal dismissed as untimely filed

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DAMON MORRIS, CASE NO. 00-3542

Appeal from dismissal

Youth Correctional Officer

Department of the Youth Authority

ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

LARRY SANDOVAL, CASE NO. 00-3652

Appeal from 15 days' suspension

Management Analyst

Employment Development Department

ACTION: 15 days suspension sustained

JANIS E. MOUSA, CASE NO. 00-2907

Appeal from dismissal

Supervising Registered Nurse

Department of Veterans Affairs

ACTION: Dismissal sustained

VICTOR GARCIA, CASE NO. 00-3948

Appeal from rejection during probationary  
period

Office Technician (Typing)

Department of Managed Health Care

ACTION: Rejection during probationary period denied

ERVIN JENKINS, CASE NO. 00-3169

Appeal from permanent demotion

from the position of Health Program

Auditor III to Health Program

Auditor I

ACTION: Permanent demotion modified from Health  
Program Auditor III to Health Program Auditor II

ANTONIO LOPEZ, CASE NO. 00-1480

Appeals from dismissal

Assistant Information Systems Analyst

Teale Data Center

ACTION: Dismissal modified to 30 working days  
suspension

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SAMUEL WEST, CASE NO. 01-0472

Appeal from dismissal

Correctional Officer

Norco Rehabilitation Center

Department of Corrections

ACTION: Rejection during probationary period  
sustained

EDWARD W. JAKUBOWSKI, CASE NO. 01-0441

Appeal from ten working days suspension

Officer

Department of California highway Patrol

ACTION: Ten working days suspension sustained

ROBERT DENBERG, CASE NO. 01-0043

Appeal from five-percent reduction

in salary for six months

Correctional Officer

Pleasant Valley State Prison

Department of Corrections

ACTION: Five percent reduction in salary for six  
months revoked

RENA ORTEGA, CASE NO. 00-1612

Appeal discrimination/retaliation complaint

Office Technician

Department of Justice

ACTION: Discrimination/retaliation complaint  
dismissed

PETITIONS FOR REHEARING

NATHAN A. LOMELI, CASE NO. 00-3937

Appeal from dismissal

Correctional Officer

Correctional Training Facility-Soledad

Department of Corrections

ACTION: Petition for rehearing filed by  
respondent granted

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CAROLYN HYMAN-PERRY, CASE NO. 00-0140

Appeal from dismissal

Sergeant

Department of the Youth Authority

ACTION: Petition for rehearing filed by  
appellant denied

JEFFREY FOWLER, CASE NO. 99-4124

Appeal from dismissal

Correctional Officer

California State Prison-Sacramento

Department of Corrections

ACTION: Petition for rehearing filed by  
appellant denied

JERALD ELLIOTT, CASE NO. 00-3394

Appeal from dismissal

Instructional Computing Consultant II

San Diego State University

ACTION: Petition for rehearing filed by  
appellant denied

CYNTHIA PENA, CASE NO. 00-2288

Appeal from dismissal

Correctional Officer

Valley State Prison for Women

Department of Corrections

ACTION: Petition for rehearing filed by  
appellant denied

BARTON BURNETT, CASE NO. 00-2787

Appeal from 60 work days suspension

Correctional Officer

Valley State Prison for Women

Department of Corrections

ACTION: Petition for rehearing filed by  
appellant denied

VICTOR REA, CASE NO. 00-3178P

Appeal from termination

Career Executive Assignment I

Department of Education

ACTION: Petition for rehearing filed by  
appellant denied

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PETITION FOR REHEARING, NOTICE OF FINDINGS

LAURIAN FRANKLIN, CASE NO. 00-1517P  
Appeal from whistleblower/retaliation  
Classification - Unknown  
Department of the Youth Authority  
ACTION: Petition for rehearing filed by appellant  
denied

13. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION  
18671.1 EXTENSION.

ACTION: See pages 21-25.

14. WITHHOLD APPEALS  
On June 5, 2001, the Board adopted the following  
decisions presented by Walter Vaughn, Executive  
Officer, California State Personnel Board.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

PATRIC SPECKMANN, CASE NO. 00-3413  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

CHERYL D. WHIPPLE, CASE NO. 00-3574  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

MIGUEL RIOS, CASE NO. 00-3202  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DENIED

KENNEDY N. COLLINS, CASE NO. 00-3206  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

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RANDALL J. FRITZ, CASE NO. 00-3341  
Classification: Hospital Police Officer I  
State Personnel Board  
ACTION: DENIED

BRETT RHODES, CASE NO. 00-2979  
Classification: Hospital Police Officer I  
State Personnel Board  
ACTION: DENIED

CLAUDIA CRAVENS, CASE NO. 00-2718  
Classification: Youth Correctional Counselor  
Department of the Youth Authority  
ACTION: DENIED

JUSTIN SIMKO, CASE NO. 00-3423  
Classification: Youth Correctional Counselor  
Department of the Youth Authority  
ACTION: DENIED

15. MEDICAL APPEALS

On June 5, 2001, the Board adopted the following  
decisions presented by Walter Vaughn, Executive  
Officer, California State Personnel Board.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

MARK NAYLOR, CASE NO. 00-3664  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DENIED

TANYA DANIELLE NELSON, CASE NO. 00-3495  
Classification: Youth Correctional Officer (YCO)  
State Personnel Board  
ACTION: GRANTED

RANDY J. SEGOVIA, CASE NO. 00-3282  
Classification: Youth Correctional Counselor  
Department of the Youth Authority  
ACTION: DENIED

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MATHEW JOHNSON, CASE NO. 01-1377  
Classification: Correctional Officer  
State Personnel Board  
ACTION: GRANTED

LATICHA PERRY, CASE NO. 01-1362  
Classification: Youth Correctional Officer  
Department of the Youth Authority  
ACTION: DISMISSED

MICHAEL MENDOZA, CASE NO. 01-0713  
Classification: Unknown  
Department of Corrections  
ACTION: DISMISSED

JASON L. KERNS, CASE NO. 00-3449  
Classification: Unknown  
State Personnel Board  
ACTION: DISMISSED

MICHAEL LASKY, CASE NO. 01-1381  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

16. EXAMINATION APPEALS

On June 5, 2001, the Board adopted the following  
decision presented by Walter Vaughn, Executive  
Officer, California State Personnel Board.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

A. JUHA S. AUVINEN, CASE NO. 00-2389  
Classification: Supervising Fraud  
Investigator II  
Department of Insurance  
ACTION: GRANTED

17. NON-HEARING CALENDAR

On June 5, 2001, the Board adopted item "A".  
This item was presented by Walter Vaughn,  
Executive Officer, California State Personnel  
Board  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

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- A PROGRAM TECHNICIAN SERIES  
PERSONNEL MANAGEMENT TECHNICIAN  
PERSONNEL MANAGEMENT ANALYST  
The Department of Personnel Administration proposes the establishment of a Program Technician series classification; abolishment of two broadband classifications: Personnel Management Technician and Personnel Management Analyst; and movement of the incumbents into parallel classification.

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) ASSISTANT EXECUTIVE OFFICER, COLORADO RIVER BASIN REGIONAL WATER QUALITY CONTROL BOARD, PALM DESERT  
The State Water Resources Control Board proposes to allocate the above position to the CEA category. The Assistant Executive Officer position provides day-to-day operational direction for the Regional Board's activities, and is the highest technical expert for all regional environmental issues. The department indicates that the position is at the second organizational level and will report to the Executive Officer.
- (2) PROJECT DIRECTOR, PUBLIC-SAFETY RADIO INTEGRATED SYSTEMS MANAGEMENT PROJECT  
The Department of General Services proposes to allocate the above position to the CEA category. The Project Director, Public-Safety Radio Integrated Systems Management Project (PRISM) Program is responsible for the management oversight, policy development, and analysis of complex strategic issues and policies related to PRISM. PRISM is an integrated statewide voice and data radio system to be used by state public safety agencies as well as



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local and federal allied agencies. The department indicates that the position is at the second organizational level and will report to the Director.

**(3) \*\*CORRECTION TO THE MAY 1-2, 2001 AGENDA\*\***

DEPUTY DIRECTOR, PROGRAM GRANTS AND RESEARCH  
The Board of Corrections proposes to allocate the above position to the CEA category for the period of two years. The Deputy Director, Program Grants and Research will be responsible for the Board of Corrections' statewide program grants, research and evaluation programs and will direct and coordinate \$249 million in local assistance grants and research. The department indicates that the position is at the second organizational level and will report to the Executive Officer, Board of Corrections.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) CHIEF, POLICY, PLANNING & RESEARCH DIVISION  
The Department of Consumer Affairs' request to allocate the above position to the CEA category was disapproved on May 4, 2001.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

None Submitted.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

- (1) CHIEF, PROGRAM MANAGEMENT & ANALYSIS BUREAU  
The State Controller's Office's request to refill the above position was disapproved on May 4, 2001.

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- (2) DIRECTOR, INDIVIDUAL TAX SYSTEMS MANAGEMENT  
BUREAU

The Franchise Tax Board's request to refill  
the above position has been approved  
effective May 15, 2001.

- (3) DIRECTOR OF REAL ESTATE PROJECT DEVELOPMENT

The Wildlife Conservation Board's request to  
refill the above position has been approved  
effective May 15, 2001.

- (4) DEPUTY DIRECTOR, WILDLIFE AND INDLAND  
FISHERIES DIVISION

The Department of Fish and Game's request to  
refill the above position has been approved  
effective May 18, 2001.

19. WRITTEN STAFF REPORT FOR BOARD INFORMATION

- A. Report to the Legislature concerning complaints  
filed for reprisal or retaliation for disclosure  
of information by public employees (Whistleblower  
Report).
- B. Quarterly report to the Legislature on the status  
of adverse actions in the state civil service  
through March 31, 2001.

ACTION: Reports presented

A D J O U R N M E N T

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SUBMITTED

1. ROMONDO SIZEMORE, CASE NO. 00-0418. Appeal from dismissal. Department of Corrections. (Oral argument held March 6, 2001).  
ACTION: On June 5, 2001, adopted Board decision revoking dismissal and ordering backpay.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.
2. MICHAEL BURVANT, MD., CASE NO. 00-0854. Appeal from dismissal. Department of Corrections. (Oral argument held April 5, 2001).  
ACTION: On June 5, 2001, adopted Board decision revoking dismissal and ordering backpay.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.
3. CHARLES ALEXANDER, CASE NO. 98-2769 AND RICHARD NEWTON, CASE NO. 98-2769. Appeals from whistleblower/retaliation complaints. Department of Corrections. (Oral argument held April 5, 2001).  
  
NO ACTION
4. JOSEPH F. KENNEY, CASE NO. 00-0042. Appeal from dismissal. Department of Justice. (Oral argument held April 5, 2001).  
  
NO ACTION
5. JOHN FLORES, CASE NO. 99-3499. Appeal from dismissal. Department of Mental Health. (Oral argument held April 5, 2001).  
ACTION: On June 5, 2001, adopted Board decision revoking dismissal and ordering backpay.  
VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.
6. STACY ROBERTSON, CASE NO. 00-2229. Appeal from dismissal. Department of Corrections. (Written testimony presented April 5, 2001).

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ACTION: On June 5, 2001, adopted Board decision modifying dismissal to seven months suspension with backpay.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

7. FERNANDO GANDARA, JR., CASE NO. 99-3867. Appeal from discrimination/retaliation complaint appeal. Department of Veterans Affairs. (Oral argument held April 5, 2001).

ACTION: On June 5, 2001, adopted Board decision that the Department of Veterans Affairs cease and desist from engaging in any further retaliatory acts and to expunge certain specified documents from all Department files.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

8. STAFFORD LEWIS, CASE NO. 99-5021. Appeal from dismissal. Department of Corrections. (Oral argument held April 6, 2001).

NO ACTION

9. CURRY THOMAS, CASE NO. 00-2233. Appeal from 90-calendar days suspension. Department of Water Resources. (Oral argument held May 1, 2001).

NO ACTION

10. ROSELLEN M. BOOG, CASE NO. 00-0349. Appeal from Rejection during probationary period. California State University-Northridge. (Oral argument held May 1, 2001).

ACTION: On June 5, 2001, adopted Board decision revoking rejection during probationary period and ordering backpay.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.

11. JESSE BROWN, CASE NO. 98-0384. Appeal from constructive medical termination. Department of General Services. (Presented to Board May 22, 2001).

NO ACTION

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**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision

within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

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**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all

cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*



I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on June 5, 2001.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.